

Translation

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PATENT COOPERATION TREATY



# PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference W1.1832PCT	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2003/003527	International filing date (day/month/year) 23 October 2003 (23.10.2003)	Priority date (day/month/year) 31 October 2002 (31.10.2002)
International Patent Classification (IPC) or national classification and IPC B41F 13/22		
Applicant KOENIG & BAUER AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 10 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 8 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 17 April 2004 (17.04.2004)	Date of completion of this report 28 February 2005 (28.02.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE2003/003527

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
 pages \_\_\_\_\_ 1-31 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages \_\_\_\_\_ 1-10, 11 (part) \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_ 11 (part), 12-65 \_\_\_\_\_, filed with the letter of \_\_\_\_\_ 18 October 2004 (18.10.2004)
- ☒ the drawings:  
 pages \_\_\_\_\_ 1/6-6/6 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

International application No.

PCT/DE2003/003527

**IV. Lack of unity of invention**

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☒ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
- ☐ the parts relating to claims Nos. \_\_\_\_\_

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Box IV.3

**Lack of unity of invention**

1. The Examining Authority has determined that the international application contains multiple inventions that are not linked by a single general inventive concept (PCT Rule 13.1).
  - I. Claims 1 to 35 and 39 to 50  
Channel for temperature control medium.
  - II. Claims 36 and 39 to 50  
Pourable insulating material.
  - III. Claims 37, 38 and 51 to 65  
Thermally insulating cylindrical sleeve.
2. The reasons for this are as follows:

DE-C-629 700 (document D1), which is the closest prior art, discloses a rotational solid that has all the features specified in the preambles of independent claims 4, 36 and 37 as well as the corresponding features specified in independent claim 1. Thus **all the features** which are **common** to the four independent claims are already known from D1.

A rotational solid with a special channel design as defined by the essential features of the first invention according to independent claims 1 and 4 does not necessarily contain a pourable insulating material (essential feature of the second invention according to independent claim 36), **nor** does it necessarily have a thermally insulating cylindrical sleeve (essential feature of the third invention according to independent claim 37), and vice versa.

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Box IV.3

Moreover, a rotational solid containing a pourable insulating material (essential feature of the second invention according to independent claim 36) does **not** necessarily have a thermally insulating cylindrical sleeve (essential feature of the third invention according to independent claim 37), and vice versa.

3. The three inventions have no link in the form of a technical inter-relationship (PCT Rule 13.1) involving one or more of the same or corresponding special technical features in **all** the independent claims (claims 1, 4, 36 and 37).

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/DE 03/03527

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-65	YES
	Claims		NO
Inventive step (IS)	Claims	1-65	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-65	YES
	Claims		NO

### 2. Citations and explanations

1. FIRST INVENTION: claims 1 to 35 and 39 to 50

1.1 Novelty and inventive step

1.1.1 Independent claims 1 and 4

1.1.1.1 Prior art

DE-C-629 700 (document D1), which is cited in the description, discloses a rotational solid that has all the features specified in the preamble of independent claim 4 and also the corresponding features specified in independent claim 1.

1.1.1.2 Problem addressed

To provide a rotational solid for a printing machine with a tampon.

1.1.1.3 Solution

The specific combination of all the features of both independent claim 1 and independent claim 4, especially the placing of a thermally insulating insert on the channel for the temperature control medium (claim 1) and the formation of a temperature control channel in a thermally insulating material (claim 4), is neither known from nor suggested by the prior art. An inventive step can therefore be acknowledged (PCT Article 33).

1.1.2 Dependent claims 2, 3, 5 to 35 and 39 to 50

Dependent claims 2, 3, 5 to 35 and 39 to 50 define advantageous embodiments of the rotational solid with all the features specified in claim 1 and claim 4.

1.2 Clarity

1.2.1 Claims 3, 8, 11, 13, 15, 17, 22, 25, 32 to 35, 42 and 48

The application fails to meet the requirements of PCT Article 6 because claims 3, 8, 11, 13, 15, 17, 22, 25, 32 to 35, 42 and 48 are not clear.

1.2.2 Claims 3, 8, 13, 15, 17, 22, 32 to 34 and 42

The features of device claims 3, 8, 13, 15, 17, 22, 32 to 34 and 42 relate either to a process for producing the device or to a process using the device, rather than to the definition of the device in terms of its technical features. Claims 3, 8, 13, 15, 17, 22, 32 to 34 and 42 therefore violate PCT Article 6 because they do not make the intended limitations clear.

1.2.1 Claims 11 and 25

Claims 11 and 25 fail to meet the requirements of PCT Article 6 because the subject matter for which protection is sought is not clearly defined. These claims seek to define their subject matter by reference to the result which is to be achieved, but in doing so merely state the problem addressed without specifying the technical features needed in order to achieve that result.

1.2.4 Claim 35

Claim 35 merely specifies a feature that has already been specified in independent claim 1, thereby making it redundant in this respect. Claim 35 as a whole thus lacks clarity (PCT Article 6).

1.2.5 Claim 48

The phrase in parentheses in claim 48 is vague and unclear in terms of its scope, and leaves the reader uncertain about the meaning of the technical feature referred to. It is not clear whether or not this feature is supposed to be covered by claim 48. The subject matter of the claim is therefore not clearly defined (PCT Article 6).

1.2.6 Description

The exemplary embodiment of a tampon described in the passage from the last paragraph on page 13 to line 6 on page 14 cannot consist of a main part surrounded by a concentric outer part, and is therefore not covered by independent claims 1 and 4. This inconsistency between the claims and the description creates uncertainty regarding the subject matter for which protection is sought (PCT Article 6).

2. SECOND INVENTION: claims 36 and 39 to 502.1 Novelty and inventive step2.1.1 Claim 362.1.1.1 Prior art

DE-C-629 700 (document D1), which is cited in the description, discloses a rotational solid that has all the features specified in the preamble of independent claim 36.

2.1.1.2 Problem addressed

To provide a rotational solid for a printing machine with a tampon.

2.1.1.3 Solution

The specific combination of all the features of claim 36, especially the pourable thermally insulating



material as specified in the characterising part of claim 36, is neither known from nor suggested by the prior art. An inventive step can therefore be acknowledged (PCT Article 33).

2.1.2 Dependent claims 39 to 50

Dependent claims 39 to 50 define advantageous embodiments of the rotational solid with all the features specified in independent claim 36.

2.2 Clarity

2.2.1 Claims 42 and 48

The application fails to meet the requirements of PCT Article 6 because claims 42 and 48 are not clear (see points 1.2.2 and 1.2.5 above).

2.2.2 Description

See point 1.2.6 above regarding the passage in the description from the last paragraph on page 13 to line 6 on page 14, and independent claim 36.

3. THIRD INVENTION: claims 37, 38 and 51 to 65

3.1 Novelty and inventive step

3.1.1 Claim 37

3.1.1.1 Prior art

DE-C-629 700 (document D1), which is cited in the description, discloses a rotational solid that has all the features specified in the preamble of independent claim 37.

3.1.1.2 Problem addressed

To provide a rotational solid for a printing machine with a tampon.

3.1.1.3 Solution

The specific combination of all the features of claim 37, especially the placing of the thermally insulating material in the form of a cylindrical sleeve that fully surrounds the main part in the circumferential direction, as specified in the characterising part of claim 37, is neither known from nor suggested by the prior art. An inventive step can therefore be acknowledged (PCT Article 33).

3.1.2 Dependent claims 51 to 65

Dependent claims 51 to 65 define advantageous embodiments of the rotational solid with all the features specified in independent claim 37.

3.2 ClarityDescription

See point 1.2.6 above regarding the passage in the description from the last paragraph on page 13 to line 6 on page 14, and independent claim 37.